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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

ESTHER SOLEM, ) 1:05-CV-0511 AWI LJO  
Plaintiff, )  
v. ) STIPULATION AND ORDER  
JO ANNE B. BARNHART, ) FOR REMAND PURSUANT TO  
Commissioner of Social ) SENTENCE FOUR OF 42 U.S.C.  
Security, ) § 405(g), and  
Defendant. ) REQUEST FOR ENTRY OF JUDGMENT  
 ) IN FAVOR OF PLAINTIFF AND  
 ) AGAINST DEFENDANT

IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of record, that this action be remanded to the Commissioner of Social Security for further administrative action pursuant to section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), sentence four.

On remand, the Appeals Counsel will instruct the Administrative Law Judge ("ALJ") to take the following action:

(1) Give further consideration to Plaintiff's maximum residual functional capacity, specifically, the plaintiff's ability to perform gripping, grasping, pulling and pushing, during the entire period at issue, and provide appropriate rationale with specific references to evidence of record in support of assessed

1 limitations (see Social Security Ruling (SSR) 96-8p);

2 (2) In so doing, evaluate the treating and examining source  
3 opinions (see 20 C.F.R. § 404.1527, SSR 96-2p and 96-5p) and non-  
4 examining source opinion (see 20 C.F.R. § 404.1527(f), SSR 96-6p),  
5 and explain the weight given to such opinion evidence;

6 (3) As appropriate, request the treating and examining  
7 sources to provide additional evidence and further clarification  
8 of the opinion;

9 (4) Articulate in the residual functional capacity  
10 assessment any limitations that are found, in work related terms  
11 that are consistent with 20 C.F.R. § 404.1545;

12 (5) Obtain supplemental evidence from a vocational expert to  
13 clarify the effect of the assessed limitations on Plaintiff's  
14 occupational base (see SSR 83-12, 83-14);

15 (6) Pose hypothetical questions that clearly reflect the  
16 specific capacity/limitations established by the record as a whole  
17 in terms that are consistent with 20 C.F.R. § 404.1545;

18 (7) Ask the vocational expert to identify examples of  
19 appropriate jobs and to state the incidence of such jobs in the  
20 national economy (see 20 C.F.R. § 404.1566); and,

21 (8) Before relying on the vocational expert evidence,  
22 identify and resolve any conflicts between the occupational  
23 evidence provided by the vocational expert and information in the  
24 Dictionary of Occupational Titles (DOT) and its companion  
25 publication, the Selected Characteristics of Occupations (see SSR  
26 00-4p).

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1 The parties further request that the Clerk of the Court be  
2 directed to enter a final judgment in favor of plaintiff, and  
3 against defendant, Commissioner of Social Security, reversing the  
4 final decision of the Commissioner.

Respectfully submitted,

7 | Dated: July 27, 2006

/s/ Robert Ishikawa  
(As authorized via facsimile)  
ROBERT ISHIKAWA  
Attorney for Plaintiff

Dated: July 31, 2006

McGREGOR W. SCOTT  
United States Att Dated:

/s/ Kristi C. Kapetan  
KRISTI C. KAPETAN  
Assistant U.S. Attorney

## ORDER

## 7 IT IS SO ORDERED.

8 Dated: July 31, 2006  
0m8i78

/s/ Anthony W. Ishii  
UNITED STATES DISTRICT JUDGE